

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

B.R., (d.o.b. April 2002) by and through her ) CASE NO.: 4:13-CV-00907  
father and next friend, MICHAEL )  
RUBESICH, et al., ) JUDGE JOHN R. ADAMS  
)  
Plaintiffs, ) **DEFENDANTS' MOTION TO CONTINUE**  
) **FINAL PRETRIAL/MOTION TO**  
vs. ) **EXCUSE PARTIES**  
)  
BRIAN McGIVERN, et al., )  
)  
Defendants. )

Now come Defendants, Brian McGivern, Chief Chuck Colucci, Officer Timothy Lamping, Sergeant Scott Weamer and City of Canfield, by and through counsel, Mazanec, Raskin & Ryder Co., L.P.A., and hereby move the Court to continue the Final Pretrial set for February 20. In the alternative, Defendants request that the Court enter an Order excusing the parties from attending the Final Pretrial in person.

Due to issues surrounding liability expert discovery, the deadlines surrounding expert discovery and dispositive motion briefing were extended. Defendants filed a Motion for Summary Judgment on February 13. Plaintiffs will have until March 13 to file their Brief in Opposition. In light of these dates, the Court entered an Order on February 10 granting Defendants' Motion to Continue the March 2 trial. (Doc. 181) Given the continuance of the March 2 trial, it does not appear that a Final Pretrial at this time would be productive.

Accordingly, Defendants request that the Court enter an Order rescheduling the February 20 final pretrial for such further time as is convenient for the Court.

Should the Court wish to proceed with a hearing on February 20, Defendants request that the Court enter an Order excusing the parties from attending the Final Pretrial in person. At this time, the dispositive motions have been filed and trial has not yet been reset pending a ruling on the dispositive motion. Recent settlement discussions between the parties have indicated that there is no current potential for settlement. It does not appear that the presence of the parties at the Final Pretrial would be productive.

Based upon the foregoing, Defendants Brian McGivern, Chief Chuck Colucci, Officer Timothy Lamping, Sergeant Scott Weamer and City of Canfield, respectfully request that the Court enter an Order continuing the February 20 Final Pretrial or, in the alternative, that the Court enter an Order excusing the parties from attending in person the February 20 final pretrial.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Tami Z. Hannon

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2015, a copy of the foregoing Defendants' Motion to Continue Final Pretrial/Motion to Excuse Parties was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Tami Z. Hannon

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*Counsel for Defendants Brian McGivern, Chief  
Chuck Colucci, Officer Timothy Lamping, Sergeant  
Scott Weamer and City of Canfield*

TRID-130105/Mtn Continue/Excuse Parties